

**FILED**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA DIVISION

FEB 18 2022

(Write the District and Division, if any, of  
the court in which the complaint is filed.)

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY [Signature]  
DEPUTY CLERK

2:22-CV-0314-TLN-KJN CP

Rogers, Kim Edward

(Write the full name of each plaintiff who is filing  
this complaint. If the names of all the plaintiffs  
cannot fit in the space above, please write "see  
attached" in the space and attach an additional  
page with the full list of names.)

**-against-**

GAVIN NEWSOME, GOVERNOR OF  
CALIFORNIA; ROB BONTA, ATTORNEY  
GENERAL OF CALIFORNIA; ET AL.

(Write the full name of each defendant who is  
being sued. If the names of all the defendants  
cannot fit in the space above, please write "see  
attached" in the space and attach an additional  
page with the full list of names. Do not include  
addresses here.)

**Complaint for Violation of Civil  
Rights**

(Non-Prisoner Complaint)

(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☒ No  
(check one)

**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should **not** contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include **only**: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed *in forma pauperis*.

**I. The Parties to This Complaint**

**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Rogers, Kim Edward
Street Address	2072 50 <sup>th</sup> Avenue
City and County	Sacramento, Sacramento
State and Zip Code	California 95822
Telephone Number	
E-mail Address	

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name	GAVIN NEWSOME
Job or Title	CALIFORNIA GOVERNOR
Street Address	c/o STATE CAPITOL, SUITE 1173
City and County	SACRAMENTO, SACRAMENTO
State and Zip Code	CALIFORNIA 95814
Telephone Number	916-445-2841
E-mail Address	

☐ Individual capacity ☒ Official capacity

**Defendant No. 2**

Name	ROB BONTA
Job or Title	CALIFORNIA ATTORNEY GENERAL
Street Address	1300 I STREET
City and County	SACRAMENTO, SACRAMENTO

☐ Individual capacity

☐ Official capacity

**Defendant No. 6**

Name

Job or Title

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

☐ Individual capacity

☐ Official capacity

**Defendant No. 7**

Name

Job or Title

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

☐ Individual capacity

☐ Official capacity

**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against(*check all that apply*):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If

State and Zip Code 95814-2919

Telephone Number

E-mail Address

☐ Individual capacity

☒ Official capacity

**Defendant No. 3**

Name JOHN DOE, #1

Job or Title MANAGER, CALIFORNIA SEX OFFENDER  
REGISTRY

Street Address 1300 I STREET

City and County SACRAMENTO, SACRAMENTO

State and Zip Code 95814-2919

Telephone Number

E-mail Address

☐ Individual capacity

☒ Official capacity

**Defendant No. 4**

Name JOHN DOE, #2 - 10

Job or Title

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

☐ Individual capacity

☐ Official capacity

**Defendant No. 5**

Name

Job or Title

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

4<sup>th</sup> Amendment of the United States Constitution; Equal Protection Clause of the 14<sup>th</sup> Amendment

- C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

The State of California Attorney General Office under the color of law committed a breach of duty upon Plaintiff when without substantive or procedural due process, Plaintiff's protected, and private information was listed on 290 P.C. website controlled by the California State Attorney General. Plaintiff alleges that the State of California Attorney General Office did not update, control or monitor their website for information provided by the State on Plaintiff. The State of California used their authority to create opportunity that otherwise would not have existed for the third parties to commit constitutional and statutory violations upon Plaintiff. Publicly disclosed information to government officials by an individual is subject to 4<sup>th</sup> Amendment protection. The harm ultimately caused by the State of California Attorney General Office was foreseeable, fairly direct and was in willful disregard for Plaintiff's safety within the Sacramento community.

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### III Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

Sacramento, California.

B. What date and approximate time did the events giving rise to your claim(s) occur?

March 4, 2020; June 29, 2020.

C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

A breach of duty was imposed upon Plaintiff, when the California State Attorney General Office submitted confidential protected and private information to the 290 P.C. website under the control of the California State Attorney General. The information posted by the State of California Attorney General was used by other individuals to infringe upon Plaintiff's constitutional and statutory rights. The individuals had accessed the website under conditions that they not use the information contained on the website to harass or intimidate, confront or stalk anyone, and if seen in public, they would not publicize information or spread gossip about individual. Plaintiff's public movement was monitored by public officials and private citizens for more than 4 weeks during time relating to this complaint. Plaintiff and family members were spied on and followed by strangers in public. Plaintiff's vehicle of use was tracked by GPS for more than 28 days during times relating to this complaint. The tracking of Plaintiff's vehicle of use violated a reasonable expectation of privacy. Attachments to this document include Plaintiff's previous rights and standing to be free from being listed on the 290 P.C. website controlled by the California State Attorney General; Plaintiff's complaint to State of California Attorney General concerning violation of Plaintiff's constitutional and statutory rights by other third person parties.

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**IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Plaintiff's pain and suffering, emotional distress, humiliation, injury to reputation, and the loss of enjoyment of life continue to this day of filing of complaint. Any reputable standing within the Sacramento area cannot be obtained by the Plaintiff.

**V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I am asking for the nominal monetary damages guaranteed to Kim Edward Rogers under Section 1983 U.S.C., and any compensation guaranteed for victims of constitutional rights infringed upon by state actors and private actors. I will also ask the court to look at punitive damages against defendants listed in their individual capacities for misuse of information contained on 290 P.C. website and injunction against further misuse.

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: February 18, 2022.

Signature of Plaintiff Rogers, Kim Edward

Printed Name of Plaintiff Rogers, Kim Edward, Pro Se

**B. For Attorneys**

Date of signing: \_\_\_\_\_, 20\_\_.

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_



GENERAL FORM  
COMMENTS/QUESTIONS

Mail Form to:

Xavier Becerra  
Attorney GeneralPlease read the Information Collection, Use and Access  
notice on the following page.Public Inquiry Unit  
Office of the Attorney General  
P.O. Box 944255  
Sacramento, CA 94244-2550

## PUBLIC INQUIRY UNIT

(916) 210-6276/ (800) 952-5225 Toll Free - CA only

TTY/TDD (800) 735-2929 (California Relay Service)

For TTY/TDD outside California contact your state's relay service

number at <http://www.fcc.gov/cgb/dro/trsphonebk.html>AG Web Site: <http://www.ag.ca.gov/>

In sending this comment or question, I understand that the Attorney General cannot answer legal questions or give legal advice to me and cannot act as my personal lawyer. I also understand that the Attorney General may need to refer my complaint to a more appropriate agency for response.

## SECTION 1 - TYPE OF COMMUNICATION

This is a general comment ☐☒ COMPLAINTThis is a general inquiry or question ☐

## SECTION 2 - YOUR CONTACT INFORMATION

(To receive a response in writing, you must provide your mailing address)

First

Name: Kim

Middle

Initial: E.

Last

Name: Rogers

Address: 2072 50th Avenue

City: Sacramento, CA

State: CA

Zip Code: 95822

Home Phone:

Work Phone:

## SECTION 3 - COMMENT OR QUESTION(S)

Attach additional pages if more space is needed. Also attach copies of any supporting documentation. Total # Pages  
DO NOT SEND ORIGINALS. Attached: 10

NOTICE: Plaintiff, Kim Edward Rogers, is entitled to Equal Protection under the law. Discrimination and harassment is against the law. Defendants Sonja Lynn Williams-King, Eric and Jewanda, a married couple are subject to civil and criminal prosecution for alleged violations against Plaintiff and his family. At this time Plaintiff will ask all officials to file on behalf of Plaintiff, Article 1, Ex Parte Order [6320-6327] (Article 1 added by Stats. 1993, Ch. 219, Sec. 154.) against said defendants.

NOTICE: Plaintiff is asking for his rights to be observed and not violated by any state official acting under color of law.

[If you need more space and are using this fillable form, create a document (e.g. MS Word or WordPerfect) to print and attach.]

Signature: Kim E. Rogers

Date: 3/9/2020

**XAVIER BECERRA**  
**Attorney General**

**State of California**  
**DEPARTMENT OF JUSTICE**



**VIOLENT CRIME INFORMATION CENTER BRANCH**  
**CALIFORNIA SEX OFFENDER REGISTRY**

P.O. Box 903387  
SACRAMENTO, CA 94203-3870  
(916) 210-3113  
Facsimile (916) 227-4345

June 29, 2020

Kim Edward Rogers  
2072 50<sup>th</sup> Avenue  
Sacramento, CA 95822

RE: Status of Application for Exclusion from Internet Disclosure

Dear Mr. Rogers:

The Department of Justice (DOJ) received your *Application for Exclusion from Internet Disclosure form (4046D)* requesting exclusion from display on the Megan's Law Internet site pursuant to California Penal Code (PC) section 290.46.

The DOJ has reviewed your Application and taken the action identified below [refer to the checked box (es)]. If your Application was denied, your name and associated information will be disclosed on the Megan's Law Internet site. In cases where denial is based on missing, incomplete, or illegible information, you may reapply by following the instructions contained in this letter.

**SECTION A – APPLICATION APPROVAL**

☒ Your Application has been approved. However, the following conditions apply:

- Your exclusion may be terminated if, in the future, you are convicted of any criminal offense requiring disclosure under PC Section 290.46.
- Your exclusion may be terminated if, while on probation for the offense requiring registration as a sex offender, you violate your probation resulting in any additional incarceration time.

**NOTE:** Please be aware that should a registrant be approved for exclusion, they must continue to register pursuant to PC Section 290-290.023.

**SECTION B – APPLICATION DENIAL**

☐ Your Application has been denied [refer to checked box(es)] for the following reason(s):

**DOCUMENTATION UNACCEPTABLE**

Please refer to the "Acceptable Documentation" section below for requirements.

- ☐ 1. No formal *Application for Exclusion from Internet Disclosure* was received. Enclosed is a blank 4046D.
- ☐ 2. No supporting documentation was received with your Application. The DOJ is unable to determine from the information provided if you meet the legal requirements for exclusion.
- ☐ 3. Documents submitted were insufficient to evaluate your application.

**ELIGIBILITY REQUIREMENTS NOT MET**

Record information obtained and/or reviewed by the DOJ indicates you are ineligible for exclusion based on the following:

- ☐ 1. You violated the terms of your probation resulting in additional incarceration time (jail or state prison).
- ☐ 2. You were convicted of a subsequent or prior criminal offense that requires public disclosure pursuant to PC section 290.46.
- ☐ 3. You were incarcerated at a California Department of Corrections and Rehabilitation facility.
- ☐ 4. Your case involved either oral copulation or penetration.
- ☐ 5. You did not meet the criteria for victim relationship.
- ☐ 6. You did not meet the criteria that requires that all victims involved in the commission of a specified offense were at least 16 years of age or older at the time of the commission of the offense.
- ☐ 7. Your score on the Static-99/R was not low or moderate-low (0-3).

**OTHER**

- ☐ 1. You were convicted of an offense that is, under existing law, not subject to public disclosure on the Megan's Law Internet site. As a result, no Application is required.
- ☐ 2. Miscellaneous.

### **ACCEPTABLE DOCUMENTATION**

In certain cases, in order for the DOJ to evaluate your Application, you must also submit supporting documentation. Please ensure that only copies of your documentation are sent and not the originals. Sources where this information can be obtained and the types of documents that the DOJ will accept include:

- **Probation Department** – Probation officer report, pre-sentencing report, or letter from your supervising probation department.
- **Court** – Court report prepared pursuant to PC section 288.1 or other official court documentation.

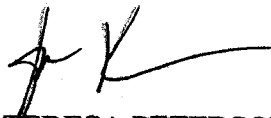
If you are obtaining a letter from one of the above sources, it must be written on departmental letterhead and signed by an appropriate official.

You do not have to submit documentation if you were convicted of violating either PC Section 243.4(a) (Felony Sexual battery) or PC Section 647.6 (Misdemeanor child molestation, formerly PC Section 647a).

If you feel that your criminal history is incorrect, you may contact the DOJ's **Record Review Unit at (916) 227-3835 and request a copy of your criminal history record.**

Further information can be obtained concerning the exclusion application process, including obtaining a downloadable version of the Application form, by logging on to the Megan's Law Internet site at <http://MegansLaw.ca.gov>. All correspondence must be ~~mailed to the following address:~~ **Department of Justice: California Sex Offender Registry; ATTN: Megan's Law Section; P.O. Box 903387; Sacramento, CA 94203-3870.** Otherwise, if you need further assistance concerning this letter, please contact the California Sex Offender Registry, Megan's Law Section at (916) 210-3114.

Sincerely,



TERESA PETERSON, Manager  
California Sex Offender Registry

For XAVIER BECERRA  
Attorney General

Sex Offender Tracking Program (SOTP)  
P. O. Box 903387, Sacramento, CA 94203-3870

**APPLICATION FOR EXCLUSION FROM INTERNET DISCLOSURE**

Please print or type required information. Illegible or incomplete information may delay the processing of this application and can result in denial of your application for exclusion from posting on the Internet. Mail this completed application to the above address.

FULL NAME: LAST		FIRST	MIDDLE
ROGERS		KIM	EDWARD
DATE OF BIRTH	DRIVERS LICENSE NUMBER		SOCIAL SECURITY NUMBER
08/13/64	C1743699		551-11-4913
ADDRESS (NOT P.O. BOX)			
2072 50TH AVENUE			
CITY	STATE	ZIP CODE	TELEPHONE NUMBER (AREA CODE FIRST)
SACRAMENTO	CA.	95822	(916) 428-7434

Basis for exclusion (Please check one or more of the following that apply):

- ☐ Felony violation of California Penal Code (PC) section 243.4(a).
- ☒ Misdemeanor violation of section 647.6 PC - former section 647a PC.
- ☐ Violation of section 288 PC or 288.5 PC with successful completion of probation pursuant to section 1203.066(c) PC.

Pursuant to California Penal Code section 290.46(e), I hereby apply to be excluded from posting on the sex offender Internet web site. I certify under the laws of the State of California that the foregoing is true and correct. I understand that I am still required to register, which is a lifetime requirement, and comply with all of the provisions set forth in Penal Code section 290, as well as other applicable laws.

Kim E Rogers

SIGNATURE

11/9/04

DATE

Based upon a review of the applicant's criminal history record, the California Department of Justice will determine whether the applicant meets the eligibility requirements for exclusion from the state Sex Offender Internet Web Site.



**BILL LOCKYER**  
Attorney General

State of California  
**DEPARTMENT OF JUSTICE**

**BUREAU OF CRIMINAL INFORMATION AND ANALYSIS**  
**VIOLENT CRIME INFORMATION CENTER**  
P.O. BOX 903387  
SACRAMENTO, CA 94203-3870

Facsimile: (916) 227-4345  
(916) 227-4104

KIM EDWARD ROGERS  
2072 50TH AV  
SACRAMENTO, CA 95822

January 27, 2005

**RE: Status of Application for Exclusion from Internet Disclosure**

This is to notify you that the California Department of Justice (DOJ) has received your *Application for Exclusion from Internet Disclosure* requesting exclusion from display on the Megan's Law Internet Web site.

The DOJ has reviewed your application and taken the action identified below (as indicated by the checked box). If your application was denied, your name and associated information will be disclosed on the Megan's Law Internet Web site. In cases where denial is based on missing, incomplete, or illegible information, you may reapply by following the specific instructions provided in this letter.

**SECTION A - APPLICATION APPROVAL**

- ☒ Your *Application* has been approved. The following conditions apply:
- Your exclusion may be terminated if, in the future, you are convicted of any criminal offense requiring disclosure under Penal Code (PC) section 290.46, and
  - ~~You are required to continue meeting all registration requirements specified under Section 290 PC.~~

**SECTION B - APPLICATION DENIAL**

Your *Application* has been denied for the following reason:

- ☐ The DOJ has reviewed your criminal history record and determined that you do not have a Section 243.4(a) PC (Sexual Battery) or Section 647.6 PC (Annoying or Molesting Children Under 18) conviction. Attached is your original application package. If you feel that your criminal history record is incorrect, you can contact the DOJ Record Review Unit at (916) 227-3835, and request a copy of your criminal history record.
- ☐ You do not meet the Section 288 PC or 288.5 PC (sex crimes against children) exclusion requirements. Either no supporting documentation was received or your documentation was reviewed and determined to be inadequate to verify that you were granted and/or ~~successfully completed probation pursuant to Section 1203.066 PC.~~ Acceptable documentation is defined on the reverse side. Attached is your original application package.



- ☐ Your application contains either incomplete or illegible information. Those areas which require information are circled in red. If "Illegible Information" is written in red at the top of your application, please print or type a new application. Please resubmit using the enclosed form (SS-4046D) and include any applicable supporting documentation. Acceptable documentation is defined below.
- ☐ A formal *Application for Exclusion from Internet Disclosure* form was not received by the DOJ. Attached is any documentation received in lieu of the required application form. Please complete the enclosed application form (SS-4046D) and submit it with any applicable supporting documentation you have. Acceptable documentation is defined below.
- ☐ OTHER:

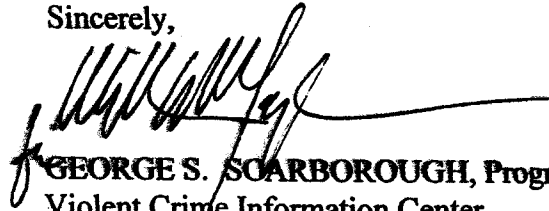
**ACCEPTABLE DOCUMENTATION** - includes documents from the sentencing court (court orders, etc.), or a letter from either your supervising probation department or your defense attorney. Letters must be written on departmental/attorney letterhead and signed by an officer of the probation department or your attorney.

Further information can be obtained regarding the application process, including a downloadable version of the application form (SS-4046D), by logging on to the Megan's Law Internet Web site at <http://meganslaw.ca.gov>. Future application submissions should be mailed to:

California Department of Justice  
Sex Offender Tracking Program  
ATTN: Megan's Law Section  
P. O. Box 903387  
Sacramento, CA 94203-3870

Questions concerning the contents of this letter can be directed to the Sex Offender Tracking Program at (916) 227-4104 or via e-mail at [MegansLaw@doj.ca.gov](mailto:MegansLaw@doj.ca.gov).

Sincerely,

  
GEORGE S. SCARBOROUGH, Program Manager  
Violent Crime Information Center  
Bureau of Criminal Information and Analysis

For BILL LOCKYER  
Attorney General